IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

RPFC.No. 518 of 2007()

MC.181/2006 of FAMILY COURT, THIRUVALLA

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REVISION PETITIONER/PETITIONER

SUDHA,
AGED 38 YEARS,D/O.PARUKUTTY,
PUTHUMANTHARA VEEDU,
EDATHITTA MURI, KODUMON VILLAGE, ADOOR TALUK.

BY ADV. SRI.KRISHNA PRASAD. S

RESPONDENTS: COUNTER PETITIONER

K.M.RAVI, AGED 44 YEARS,
(POSTAL ASSISTANT IN ADOOR HEAD POST OFFICE)
MATTATHIL VEEDU, NEAR PUTHENKURISHU,
ERNAKULAM DIST.

BY ADV. SRI.BYJU KURIAKOSE
SRI.GEORGE SEBASTIAN

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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R.P.(F.C)No.518 of 2007

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Dated this the 17th day of December, 2007

ORDER

Heard both sides.

2. The revision petitioner who is the wife of the respondent herein filed M.C.No.181 of 2006 under Section 125 Cr.P.C. claiming maintenance at the rate of Rs.2000/- per month. Their marriage took place in 1995. The respondent is allegedly employed as a Postal Assistant in the Adoor Head Post Office and according to the revision petitioner he is earning a monthly salary of Rs.12,000/-. When the matter came up for hearing on 24.1.07 before the Family Court, Thiruvalla, that court passed the impugned order which reads as follows:

> "Counter petitioner agrees to pay monthly Rs.600/- for the maintenance of petitioner and that is reasonable. Hence M.C. is allowed allowing the petitioner to recover Rs.600/- monthly from this date. M.C. closed."

3. Apart from the fact that the impugned order is a cryptic order which does not refer to the respective contentions of the parties, it merely accepts the offer made by the husband to pay a

monthly maintenance of Rs.600/- without considering the requirements of the wife and the paying capacity of the husband and such other relevant circumstances. The order is accordingly set aside and M.C.No.181 of 2006 will stand restored to the file with a direction for its disposal on merits, afresh, after giving both sides an opportunity to substantive their respective contentions. The respondent shall, however, continue to deposit before the Family Court, Thiruvalla interim maintenance at the rate of Rs.600/- per month as offered by him. The revision petitioner shall be at liberty to withdraw the amounts as and when deposited by the respondent.

4. Both sides shall appear before the Family Court, Thiruvalla without any further notice on 21.01.08.

This revision petition is allowed as above.

V. RAMKUMAR, JUDGE

sj